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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/723,029	11/27/2000	Dieter Pauschinger	P00,1848	5658

26574 7590 12/04/2003

SCHIFF HARDIN & WAITE
6600 SEARS TOWER
233 S WACKER DR
CHICAGO, IL 60606-6473

EXAMINER

BACKER, FIRMIN

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 12/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/723,029

Examiner

Firmin Backer

Applicant(s)

PAUSCHINGER ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

Response to Amendment

This is in response to an amendment file on October 16th, 2003 for letter for patent filed on November 27th, 2000. In the amendment, claims 1 and 7 have been amended. Claims 1-4, 6-22 are pending in the letter.

Response to Arguments

1. Applicant's arguments with respect to claim 1-4, 6-22 have been considered but are moot in view of the new ground(s) of rejection.

Specification

2. The amendment filed October 16th, 2003 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "non monetary."

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 1 and 7 recite the limitation "non-monetary". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-4 and 6-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abumehdi et al '464 in view of Walmsley et al '354.

Abumehdi et al teach a franking meter system such that Applicants' step of storing a plurality of reference code words at a data center reads on the IDN located at the resetting terminal, Applicants' step of generating a code word reads on the meter license number (assigned to each meter), Applicants' step of allocating said meter license number (generated code word) to a specific postage meter postage (consumable) and aggregating said postage (specific consumable) with said meter license number (generated code word) reads on allocating the meter license number to the replacement/replenishment of postage, Applicants' device

located remote from a resetting terminal (data center) reads on the franking meter, element 10, Applicants' step of detecting an operation to replace postage (a consumable) in said device with replacement postage (consumable) corresponding to said specific meter postage reads on the user of the franking meter requested more postage from the resetting terminal (data center), Applicants' detection of said operation and establishing a communication link between said device and said data center and communicating said meter license number (code word) to said data center from said device via a link reads on elements 11 and 12, and step 60 of figure 3A, Applicants' step of checking authenticity of said replacement consumable, at said resetting terminal (data center), by determining whether said meter license number (code word) and transmitted via said link, has said predetermined relationship with said at least one IDN (reference code word) stored at said resetting terminal (data center), and Applicants' step of informing said device whether said replacement consumable is authorized, via said link reads on step 85 of figure 3B. Abumehdi et al fail to teach an inventive concept of aggregating and authentic replacement consumable, corresponding to the specific consumable with the generated code word during manufacturing or the replacement consumable at a manufacturer generating identification number for the replacement consumable conforming to the generated code word. However, Walmsley et al teach inventive concept of aggregating and authentic replacement consumable, corresponding to the specific consumable with the generated code word during manufacturing or the replacement consumable at a manufacturer generating identification number for the replacement consumable conforming to the generated code word (abstract, column 52 lines 56-53 lines 35). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Abumehdi et al's inventive concept to

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include Walmsley et al's inventive concept of aggregating and authentic replacement consumable, corresponding to the specific consumable with the generated code word during manufacturing or the replacement consumable at a manufacturer generating identification number for the replacement consumable conforming to the generated code word because this would have ensure that consumables replacement reliable on physical patents on packaging in order to stop inferior refill operations or clone manufacture in countries with weak industrial property protection and consequently provide a much higher level of protection.

Regarding claims 2 and 3:

Applicants' carrier reads on the inherent procedure of placing the postage meter license number onto the postage as a means for the postal service to identify the meter generating the postage.

Regarding claim 4:

Applicants' step of selecting a technique reads on the actual meter license number being printed (physical nature) with the amount of postage.

Regarding claims 6-22.

They disclose the same inventive concept as claims 1-4. Therefore, they are rejected under the same rationale.

Furthermore, Applicant et al have replaced the term consumable with non-monetary authentic consumable and argue that the replacement preclude the reliance on the teaching of the prior art of Abumehdi et al. Examiner respectfully disagrees with Applicant argument. Although Applicant amends the claims with such replacement, the disclosure fail to provide detail

description of the inventive concept of non-monetary authentic consumable. Since there is no offering of detail description of the inventive concept of non-monetary authentic consumable, the reliance on the on the teaching of the prior art of Abumehdi et al cannot be precluded.

Furthermore the teaching of postage can be considered to be non-monetary authentic consumable. Applicant further argues that The prior art (Walmsley et al) does not specifically deal with consumable but with product in general. Examiner respectfully disagrees with applicant since consumable and product are the same concept.

Conclusion

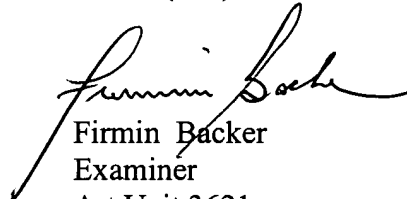
THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The examiner can normally be reached on Mon-Thu 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


Firmin Backer
Examiner
Art Unit 3621

December 2, 2003